



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erieview Plaza, Second Floor  
Cleveland, Ohio 44114-1839  
216/664-2297 • Fax: 216/420-8047  
www.clevelandhealth.org

**SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7011 3500 0000 1759 8386  
RETURN RECEIPT REQUESTED**

January 8, 2013

Ray Wiecek  
Independence Excavating, Inc.  
5720 Schaaf Road  
Independence, OH 44131

**NON-HPV**

**FACILITY ID: 13-18-00-8728**

**NOTICE OF VIOLATION: Failure to submit Permit Evaluation Reports for calendar years 2009, 2010 and 2011; Failure to obtain a City of Cleveland permit-to-operate by not submitting a city permit fee for calendar year 2010**

Dear Mr. Wiecek:

The Cleveland Division of Air Quality (CDAQ) is issuing this letter in regards to the Independence Excavating, Inc. facility located at 9525 Woodland Avenue in Cleveland. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Independence Excavating, Inc. has failed to submit a Permit Evaluation Report (PER) for calendar years 2009, 2010 and 2011 for emission units F001: Unpaved roadways and parking areas, F002: Paved roadways and parking areas and F003: Storage piles. The PERs were due by February 15 of 2010, 2011 and 2012, respectively. This is a violation of Ohio Revised Code (ORC) Section 3704.05(C) and Permit-To-Install and Operate (PTIO) # P0105390 Part C. 1. e. 1.

Independence Excavating, Inc. also failed to obtain a City of Cleveland permit-to-operate by not submitting a city permit fee for calendar year 2010 for emission units F001: Unpaved roadways and parking areas, F002: Paved roadways and parking areas and F003: Storage piles. This is a violation of City of Cleveland Codified Ordinances 259.01 and 263.01.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Independence Excavating, Inc. submit completed PERs for calendar years 2009, 2010 and 2011 and a city permit fee for calendar year 2010 to the following address:



Permit Section  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-1839

Your written response to this letter must be received by CDAQ within thirty (30) days of your receipt of this letter. If there is insufficient time to correct the alleged violations within this timeframe, your response must include a timeline for correcting the alleged violations.

The appropriate permit application(s) and supplemental form(s) are included with this letter. PER forms can also be found online at the following website:  
<http://epa.ohio.gov/portals/27/permits/PER.pdf>

Please note that all permit applications submitted to CDAQ must include original signatures. Photocopied signatures are not valid; the application will not be accepted by CDAQ and will be returned to you if original signatures are not provided.

Violations of Ohio air pollution laws and /or permit terms and conditions are subject to the penalties stipulated in Ohio Revised Code Section 3704.99(A), which allows fines of not more than twenty-five thousand dollars (\$25,000) or imprisonment for not more than one year, or both, for each violation.

CDAQ issues this letter with Ohio EPA's concurrence. The failure to mention any specific violation does not excuse any violations of local, state and federal laws or regulations regarding air pollution control. Violations of air pollution control laws may be pursued in local court or referred to Ohio EPA or U.S. EPA for further enforcement action. Should you have any questions, please call Andrew Marantides at (216) 420-8049. All correspondence with CDAQ must include the Ohio EPA facility identification number for Independence Excavating, Inc.: 13-18-00-8728.

Sincerely,

Valencia White  
Chief of Enforcement, CDAQ

VW/AM

cc: George P. Baker, CDAQ  
Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
Brian Dickens, U.S. EPA Region V  
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encl: PER form and instructions  
City permit fee invoice for calendar year 2010